

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-18-529
)	
Plaintiff,)	Lewis & Clark County District Court
)	Montana First Judicial District
-vs-)	
)	DECISION
CODY JAMES GOODSSELL,)	
)	
Defendant.)	

On March 14, 2019, the Defendant was sentenced to the Montana Department of Corrections for a period of five (5) years, with none of the time suspended, for the offense of Count I: Criminal Possession of Dangerous Drugs (methamphetamine). The Court allowed that the Department could place the Defendant into an appropriate community-based program, facility or a state correctional institution, with recommendation for screening and placement at an appropriate treatment facility, followed by pre-release. The Court ordered the sentence to run consecutively to the sentence imposed upon the Defendant in Cause No. DC-14-382.

On November 7, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Dawson County Correctional Facility and was represented by John Ferguson, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7th day of November, 2019.

DATED this 11th day of December, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



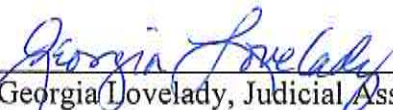
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 13th day
of December, 2019, to:

Clerk of District Court (Original)
Cody James Goodsell #3010778, Defendant (2)
Hon. Kathy Seeley
John J. Ferguson, Defense Counsel
Lisa Leckie, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division